

REMARKS

Applicants respectfully request reconsideration of the non-final Office Action of March 23, 2007 and entry of the claim amendments for placing the case in condition for allowance.

Upon entry of this amendment, claims 3-32 will be pending in this application with claims 10, 11, 16, 18-23, 25, 26, 29 and 30 having been rejected in the Office Action.

To summarize the claim changes made in this amendment, claim 13 has been amended to include added language including, generally, the subject matter of canceled claim 15 and to remove the requirement criteria which are now found in new dependent claims 31 and 32. As the claim amendments are considered to find full support in the original disclosure, no new matter is considered presented.

Claim Objections

Claim 13 is objected to because of minor informalities. These informalities have been addressed by way of an amendment to claim 13.

Claim Rejections under 35 U.S.C. §103

Claims 10, 19-22, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudoh (US 5,243,663) in view of Harada (US 6,636,257) and in view of Kogure (09/902,573).

Applicants respectfully submit that cited documents fail to disclose the claimed arrangement in claim 10 (and newly amended claim 13).

Kudoh discloses a parking garage vehicle parking spot occupying detection system wherein a television camera mounted on the garage structure with a view of a number of parking spots is used to determine whether a vehicle is present or not in a parking spot. This is achieved by reviewing for a variance of pixels in a vehicle judging region. Kudoh is directed at avoiding non-detection of a vehicle in situations where vehicle luminance data is close to that of the road surface luminance data by implementing in the review process “a

luminance level at which the variance of luminance of the pixels in the vehicle existence judging region calculated by the variance calculator takes a maximum value”.

There is an effort in the Office Action to remedy the acknowledged lack of a fail-safe measure feature in Kudoh by reliance on Harada with its system described as having a fail safe measure that constitutes “preventing the steering wheel from being turned based on the detection of the luminance or brightness of another vehicle”. As the parking control device of Kudoh merely monitors for occupancy levels in the parking garage and has no influence on the vehicles themselves, it is respectfully submitted that the asserted fail safe measures in Harada would not be seen as being applicable in any form to the parking garage occupying detection system in Kudoh. The assertion of Harada teaching algorithm complexity reduction has no bearing if the purpose and structure associated with that reduction has no possible application in the base reference of Kudoh, which is the case in the asserted combination of Kudoh and Harada.

In the Office Action it is set forth that Kogure (the present application) in the specification on page 2 and illustrated in figure 3 teaches calculating a luminance center corresponding to a horizontal position on the image at which luminance are converged, and determining the fail by evaluating the horizontal luminance distribution on the image based on the luminance center (see Office Action page 3, lines 13-16).

Applicants respectfully submit that Kogure, in the specification on page 2, line 1-15 and illustrated in figure 3 does not teach or suggest calculating a luminance center corresponding to a horizontal position on the image at which luminance are converged, but only describes the luminance problems that occur in the prior art and the difficulty of calculating the distance data in a sun-light diffusion area. In other words, the reference disclosure is not describing the claimed calculation involving luminance but is merely describing how environmental conditions can affect luminance monitoring in a fashion that can lead to monitoring irregularity.

Thus, for this reason the Kudoh, Harada and Kogure references, whether alone or in combination, are respectfully submitted not to disclose or suggest the claimed arrangement in claim 10 in the present application.

Claim 13 describes the relationship of allowing normal functioning of a monitoring system as in (for explanation purposes) implementing, based on an image recognition determination, a slowing down of a vehicle when another vehicle is detected by the monitoring system as being too close, while placing the monitoring system in a fail safe mode when it is determined that there is the potential for monitoring irregularities in which case (for example purposes) the vehicles slow down function would not be implemented. None of the references disclose or suggest the claimed combination of amended claim 13.

Accordingly, Applicants respectfully submit that independent claim 10 and its dependent claims (claims 11 and 29-30) and claim 13 and its dependencies are patentably distinguished over the cited documents.

In view of the above remarks, Applicants submit that all rejections raised in the Office Action are overcome such that the application is in condition for allowance. Applicant looks forward to confirmation of the same at the Examiner's earliest convenience. If any fees are required to facilitate entry and consideration of this Amendment, the fees may be charged to Deposit Account 02-4300; Order No. 032405R084.

Respectfully submitted,

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